

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>MELANIE THOMPSON,</p> <p>Plaintiff,</p> <p>v.</p> <p>BACKPAGE.COM, L.L.C.; CARL FERRER; JAMES LARKIN; MICHAEL LACEY; MEDALIST HOLDINGS, INC.; LEEWARD HOLDINGS, L.L.C.; CAMARILLO HOLDINGS, L.L.C.; DARTMOOR HOLDINGS, L.L.C.; IC HOLDINGS, L.L.C.; UGC TECH GROUP C.V.; WEBSITE TECHNOLOGIES, LLC; ATLANTISCHE BEDRIJVEN C.V.; AMSTEL RIVER HOLDINGS, LLC; LUPINE HOLDINGS LLC; KICKAPOO RIVER INVESTMENTS LLC; CF HOLDINGS GP, LLC; CF ACQUISITIONS, LLC; and JOHN DOE 1-5,</p> <p>Defendants.</p>	<p>Civ. No. 1:20-cv-06734-JGK</p> <p><b>STIPULATION TO STAY THIS ACTION PURSUANT TO 18 U.S.C. § 1595(b)(1) AND 18 U.S.C. 3509(k)</b></p>
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Plaintiff Melanie Thompson and defendant James Larkin stipulate to the following:

1. Plaintiff's complaint asserts various claims against the defendants, including a claim under the Trafficking Victims Protection Reauthorization Act of 2008, 18 U.S.C. § 1595 (the "TVPRA").

2. In her complaint, Plaintiff alleges that she "is a victim of sex trafficking within the meaning of 18 U.S.C. § 1591" (Dkt. 1, Complaint, ¶ 118), that she is "entitled to bring a civil action under 18 U.S.C. § 1595" against defendants (*id.*), that she was a victim of sex trafficking when she was approximately 12 to 17 years old (*id.*, ¶ 3), and that she suffered substantial physical and psychological injuries from being trafficked when she was a minor (*id.*, ¶ 123).

3. The TVPRA requires that "[a]ny civil action filed under [18 U.S.C. § 1595(a)] shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim." 18 U.S.C. § 1595(b)(1).

4. There are six criminal actions pending that arise out of the same occurrence in which Plaintiff is the victim. Those actions (collectively, the "Pending Criminal Cases") are:

a. An action pending in the United States District Court for the District of Arizona captioned *United States of America v. Carl Ferrer*, No. CR-18-00464-PHX-SMB;

b. An action pending in the United States District Court for the District of Arizona captioned *United States of America v. Backpage.com, LLC, et al.*, No. CR-18-00465-PHX-SMB;

c. An action pending in the United States District Court for the District of Arizona captioned *United States of America v. Michael Lacey, et al.*, No. CR-18-00422-PHX-SMB;

d. An action pending in the Superior Court for the State of California in Sacramento County captioned *People of the State of California v. Carl Ferrer*, Case No. 16FE024013;

e. An action pending in the District Court for the 94<sup>th</sup> Judicial District in Nueces County, Texas, captioned *State of Texas v. Carl Ferrer*, Case No. 18FC-1652C; and

f. An action pending in the District Court for the 94<sup>th</sup> Judicial District in Nueces County, Texas, captioned *State of Texas v. Backpage.com, LLC*, Case No. 18FC-1653C.

5. The TVPRA requires that this action be stayed, as to all parties and all claims, “until final adjudication in the trial court,” 18 U.S.C. § 1595(b)(2), which means through “sentencing and entry of final judgment” in each of the Pending Criminal Cases. *Lunkes v. Yannai*, 882 F. Supp. 2d 545, 549 (S.D.N.Y. 2012).

6. Similarly, Section 3509(k) of the Victims of Child Abuse Act (“VCAA”), 18 U.S.C. § 3509 *et seq.*, requires that any “civil action” with a “cause of action for recovery of compensation for damage or injury to the person of a child” “shall be stayed” if “a criminal action is pending which arises out of the same occurrence and in which the child is the victim.” 18 U.S.C. § 3509(k). The VCAA requires that the civil action “shall be stayed until

the end of all phases of the criminal action,” meaning “until its final adjudication in the trial court.” *Id.*

7. Because plaintiff’s complaint asserts claims within the scope of the VCAA, the VCAA also requires that this case be stayed, as to all parties and all claims, through sentencing and entry of final judgment in each of the Pending Criminal Cases.

8. This Court should stay this action, as to all parties and all claims, through sentencing and entry of final judgment in each of the Pending Criminal Cases, pursuant to both the TVPRA and the VCAA.

9. Defendants Carl Ferrer (“Ferrer”), Backpage.com, LLC; Dartmoor Holdings, LLC; IC Holdings, LLC; UGC Tech Group C.V.; Website Technologies, LLC; Atlantische Bedrijven C.V.; Amstel River Holdings, LLC; Lupine Holdings LLC; Kickapoo River Investments LLC; CF Holdings GP LLC; and CF Acquisitions LLC (collectively, the “Backpage Entities”), Medalist Holdings, Inc.; Leeward Holdings, LLC; and Camarillo Holdings, LLC (collectively, the “Medalist Entities”); and Michael Lacey (“Lacey”) have consented to the relief sought in this stipulation, as indicated by the written consents attached as Exhibit A.

10. Plaintiff Melanie Thompson and defendant James Larkin have lodged a proposed form of order with this stipulation.

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October \_\_, 2020.



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**Exhibit A**

**Consents to the Relief Sought in the Stipulation**

The parties identified below stipulate to the relief sought by plaintiff Melanie Thompson and defendant James Larkin in their Stipulation to Stay this Action Pursuant to 18 U.S.C.

§ 1595(b)(1) and 18 U.S.C. § 3509(k).

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